IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 24795 of 2007(B)

PETITIONER:

SHAMEER KHAN, S/O.MOHAMMED BASHEER,
THOTTUNGAL VEEDU, VANNAPPURAM VILLAGE,
VANNAPPURAM KARA, THODUPUZHA.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE
(LAW & ORDER), POLICE HEADQUARTERS,
THIRUVANANTHAPURAM.

3. SUPERINTENDENT OF POLICE,
O/O THE DISTRICT SUPERINTENDENT OF POLICE,
MALAPPURAM.

4. SUB INSPECTOR OF POLICE,
KONDOTTY POLICE STATION.

5. SUB INSPECTOR OF POLICE,
KALIYAR POLICE STATION,
(CRIME NO.174 OF 2007
OF KALIYAR POLICE STATION)

6. RADHAKRISHNAN,
CIRCLE INSPECTOR OF POLICE,
(NOW UNDER SUSPENSION)
KONDOTTY POLICE STATION).

7. DISTRICT SUPERINTENDENT OF POLICE,
IDUKKI.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: PHOTOCOPY OF THE RELEVANT PAGES OF THE REGISTRATION BOOK.

EXT.P2: PHOTOCOPY OF THE AGREEMENT DATED 21.12.06.

EXT.P3: PHOTOCOPY OF THE FIR DATED 21.7.07.

EXT.P4: PHOTOCOPY OF THE REPRESENTATION SUBMITTED TO THE SUPERINTENDENT OF POLICE MALAPPURAM ON 26.7.07.

EXT.P5: PHOTOCOPY OF THE REPRESENTATION DATED 26.7.07 SUBMITTED TO THE HON'BLE HOME MINISTER.

/TRUE COPY/

R.BASANT, J

W.P(C).No.24795 of 2007

Dated this the 26th day of October, 2007

JUDGMENT

The grievance of the petitioner is that no proper investigation has been conducted into Crime No.174 of 2007 of Kaliyar Police Station registered on the basis of a private complaint filed by him and referred under Section 156(3) Cr.P.C.

2. The learned Government Pleader after taking instructions submits that as per order dated 13.10.07 passed by the Additional Chief Secretary to Government, direction has been given to the 2nd respondent to entrust the investigation to a police official not below the rank of a Deputy Superintendent of Police. Communication dated 03.10.07 No.66982/D3/07/Home is placed before the Court for perusal.

3. The learned counsel for the petitioner submits that the petitioner does not want to seek any further relief, if in pursuance of the said order dated 03.10.07 investigation is entrusted to any officer not below the rank of a Deputy Superintendent of Police.

4. I am, in these circumstances, satisfied that no further directions need be issued in this Writ Petition. I accept the submission of the learned Government Pleader . I need only mention that I

expect the Director General of Police to pass appropriate further orders in pursuance of the order dated 03.10.07 within a period of 2 weeks from this date. Copy of such order passed by the Director General of Police shall be placed before this Court and a copy shall be served on the counsel for the petitioner.

5. This Writ Petition is dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-